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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084 CRB

**DECLARATION OF RACHEL B.
ABRAMS IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL FOR
PLAINTIFF K.B.**

This Document Relates to:

K.B. v. Uber Technologies, Inc., et al;
3:24-cv-05719-CRB

I, Rachel B. Abrams, declare:

1. I am an attorney in the law firm of Peiffer Wolf Carr Kane Conway and Wise, LLP. I am admitted to practice before this Court. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein:
2. Plaintiff K.B. has not responded to any efforts to reach her made by myself or my staff since January 8, 2025. Prior to that, K.B. had not contacted our office since September 6, 2024.

- 1 3. Plaintiff K.B.’s failure to communicate with our firm has presented a circumstance
2 covered by Rule 1.16(b)(4) of the California Rules of Professional Conduct. We are
3 unable to meet discovery deadlines and otherwise prosecute her case without her input.
4 It is my opinion that our withdrawal from the case has become necessary.
- 5 4. Under the California Rules of Professional Conduct 1.16(d), my firm has taken all
6 reasonably available steps to avoid prejudice to the rights of Plaintiff K.B. (“Plaintiff”).
- 7 a. Before and throughout the time period described below, Plaintiff received
8 numerous letters, emails, text messages, telephone calls, and voice messages
9 requesting that she contact our office. These communications included 16
10 unsuccessful phone calls with voice messages, 4 unsuccessful phone calls where
11 voice messages could not be left, three successful phone calls, 22 emails, three
12 letters, and 20 text messages. In these communications, we repeatedly explained
13 the need for her continued participation in the case, the risk that her case may be
14 dismissed, and that we would need to withdraw as counsel if she did not contact
15 our office.
- 16 b. On September 5, 2024, having been unable to obtain sufficient information about
17 Plaintiff’s case since she had retained our office on April 26, 2023, our office
18 informed Plaintiff that if Plaintiff did not properly respond to our
19 communications and help us complete her Court-ordered Plaintiff Fact Sheet, her
20 claim would be negatively impacted. Plaintiff understood and responded to our
21 call the following day.
- 22 c. Throughout the course of our representation of Plaintiff, she was minimally
23 responsive, before ceasing communication altogether on September 6, 2024, and
24 briefly resurfacing on January 8, 2025 to inform us that she was not willing to
25 respond to our requests. Plaintiff ceased all communication with our office,
26 despite our attempts, for the past 20 days.
- 27 d. In advance of the Plaintiff Fact Sheet Deadline, our office notified Plaintiff by
28 telephone call, email, text message, voice messages, and letter that we required

1 input from her to complete her Plaintiff Fact Sheet but did not receive some
2 requested information and signatures from her in advance of the deadline. Our
3 office submitted a Plaintiff Fact Sheet on Plaintiff's behalf to avoid prejudice to
4 her but could not complete the Plaintiff Fact Sheet and provide signatures,
5 resulting in several deficiencies noted by Defendants.

- 6 e. On October 23, 2024, we notified Plaintiff by email and text message that we
7 needed input from her to correct the Plaintiff Fact Sheet deficiencies by the
8 deadline to avoid dismissal of her case, but Plaintiff was unresponsive to our
9 communication attempts.
- 10 f. On December 20, 2024, we sent Plaintiff a letter by U.S. certified mail
11 explaining that if she did not contact us by December 27, 2024, we would choose
12 to withdraw as counsel; this letter offered Plaintiff a deadline by which to contact
13 our firm.
- 14 g. On December 31, 2024, our office sent Plaintiff another letter by U.S. certified
15 mail explaining the possibility of her case being dismissed if she does not
16 respond to our requests to sign authorizations and verifications for her Plaintiff
17 Fact Sheet and provide us with missing information to move her case forward.
18 We again informed Plaintiff of the possible consequence of our withdraw as
19 counsel from her case if she did not contact us by January 6, 2025. We also
20 informed Plaintiff that she has the option to voluntarily dismiss her case.
- 21 h. On January 8, 2025, after the second contact deadline has passed, we sent
22 Plaintiff formal notice by U.S. certified mail notifying her that we were
23 withdrawing from her case. This letter provided yet another deadline by which
24 Plaintiff could contact our firm, set for January 17, 2025. The letter was also sent
25 to Plaintiff's e-mail address.
- 26 i. On January 8, 2025, Plaintiff responded to the January 8, 2025 e-mail, stating her
27 willingness to move her case forward, but still refusing to provide our office with
28 missing signatures and information.

1 j. Since that day and for the past 20 days, our office has attempted to contact
2 Plaintiff via e-mail, phone call, and voice message on numerous occasions. She
3 has refused to respond to our contact attempts.

4 5. During this time period, we corresponded with Uber about the deficiencies in Plaintiff's
5 Plaintiff Fact Sheet.

6 6. During a Meet & Confer with Uber's counsel on January 7, 2025, we informed Uber's
7 counsel that if we are unable to cure Plaintiff's Fact Sheet deficiencies by January 17,
8 2025, we would file a motion to withdraw as counsel from her case. We reiterated that
9 notice of withdrawal by e-mail on January 8, 2025.

10 7. To date, Plaintiff has not agreed to voluntarily dismiss her claims and has not informed
11 our firm that alternative counsel has been retained.

12 8. Our withdrawal from this case will not impact the timing or schedule of this litigation,
13 and we have taken all reasonable steps possible to avoid prejudice to Plaintiff by
14 informing her of her options and the consequences of failing to comply with case
15 deadlines.

16 9. I understand that pursuant to Local Rule 11-5(b), leave to withdraw may be conditioned
17 on our firm continuing to accept papers to forward to the client. We are able to accept
18 this responsibility.

19 Executed this Thursday, January 30, 2025, in San Francisco, California.

20 /s/ Rachel B. Abrams

21 Rachel B. Abrams

22 *Counsel for Plaintiff*